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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **NATOSHA ROCHELLE BOND** **1120 Edgewood Avenue** **Brownsville, TN 38012** **Registered Nurse License No. 681303** Respondent.	Case No. 2011-546 **ACCUSATION**

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about June 22, 2006, the Board of Registered Nursing issued Registered Nurse License Number 681303 to Natosha Rochelle Bond ("Respondent"). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

RELEVANT STATUTES AND REGULATIONS

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

7. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

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8. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

9. California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

"(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

"(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

"(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

. . .

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

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10. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [Nursing Practice Act] , it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possession violation of law, or prescribed, or except as directed by a licensed physician and surgeon . . . or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

. . .

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

11. Code section 4022 states:

> "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:
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> (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.
>
> (b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a --------," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.
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> (c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."

COST RECOVERY

12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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STATEMENT OF FACTS

13. At all relevant times, Respondent was employed as a Registered Nurse at Kaiser Permanente Hospital ("Kaiser") in Oakland, California.

14. On January 25, 2009, Patient A, an anorectic 90 year-old male was admitted to Kaiser for dehydration, altered mental status and in early kidney failure. His physician ordered that Patient A receive a multivitamin and Tylenol if needed for mild pain.

15. Respondent assumed care for Patient A on January 26, 2009. Her responsibilities included checking to ensure that the computer printout of medications to be administered to Patient A, known as a Medication Administration Record ("MAR"), matched the medications as ordered by his physician. Respondent verified, by placing her initials on the MAR, that she had confirmed that the medications listed on Patient A's MAR matched the medications as ordered by his physician.

16. At approximately 9:44 a.m., Respondent administered two anti-hypertensive medications to Patient A: Lisinopril 40 milligrams and Amlodipine 10 millgrams. She also administered an intravenous medication for gastric ulcers (Pantoprazole 40 milligrams) and an electrolyte replacement, Potassium Chloride. None of these medications had been prescribed by Patient A's physician.

17. During her shift, Respondent noted that Patient A's total intake (by mouth and intravenous fluids) was 1120 milliliters, while his urinary output was only 400 milliliters. Respondent did not advise Patient A's physician of the discrepancy between his intake and output.

18. Respondent also noted that from noon to the end of her shift at 4:00 p.m., that Patient A was "sleeping."

19. At 9:05 p.m., Patient A was found to be hypotensive with a respiratory rate of 2 to 6 breaths per minute. Patient A was transferred to the Intensive Care Unit. He never recovered consciousness and on January 30, 2009, was determined to be brain dead. All life support was then discontinued.

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FIRST CAUSE FOR DISCIPLINE

(Gross Negligence/Incompetence – Medication Error)

20. Respondent is subject to disciplinary action for gross negligence and/or incompetence under Code section 2761, subdivision (a)(1), in that her failure to reconcile the MAR with the physician orders for Patient A, resulted in Patient A being administered medications that were not order by his physician. Such conduct constitutes an extreme departure from the standard of nursing care, and/or was not the practice of a competent nurse as set forth above in paragraphs 13 through 19.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct – False Entry)

21. Respondent is subject to disciplinary act for unprofessional conduct pursuant to Code Section 2761, subdivision (a)(1), as defined in Section 2762, subdivision (e), in that she falsely verified on Patient A's MAR that all medications listed on this form matched the medications ordered by Patient A's physician, when in fact this verification never took place. The facts in support of this cause for discipline are set forth above in paragraphs 13 through 19.

THIRD CAUSE FOR DISCIPLINE

(Incompetence – Failure to Monitor Patient)

22. Respondent is subject to disciplinary action for incompetence under Code section 2761, subdivision (a)(1), as defined in the California Code of Regulations, title 16, section 1443.5, in that she failed to formulate a nursing diagnosis through the observation of the changed arousal status of Patient A and failed to formulate a plan of care in response. Said omissions were not the practice of a competent nurse and led to the injury of Patient A as set forth above in paragraphs 13 through 19.

FOURTH CAUSE FOR DISCIPLINE

~~(Incompetence—Failure to Advise Physician of Diminished Output)~~

23. Respondent is subject to disciplinary action for incompetence under Code section 2761, subdivision (a)(1), as defined in the California Code of Regulations, title 16, section 1443.5, in that she failed to advise Patient A's physician of his diminished urinary output, an

omission that was not the practice of a competent nurse as set forth in paragraphs as set forth in above in paragraphs 13 through 19.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 681303, issued to Natosha Rochelle Bond.

2. Ordering Natosha Rochelle Bond to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 12/16/10

LOUISE R. BAILEY, M.ED., RN
~~Interim~~ Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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